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001

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JUN 29 2004

FACSIMILE TRANSMITTAL SHEET

TO:

Examiner Shengjun Wang
USPTO

FAX NUMBER:

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OFFICIAL

FROM:

Ann Marie Cannoni

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TOTAL NO. OF PAGES INCLUDING COVER

99

DATE

June 29, 2004

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NOTES/COMMENTS:

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In re Application of: **Harry R. Davis et al.**

For Patent For: **Combinations of Nicotinic Acid and Derivatives Thereof and Sterol
Absorption Inhibitor(s) and Treatments for Vascular Indications**


Group Art Unit: 1617 Filed: 01/25/2002

Attorney Docket No.: CV01379K US/ Serial No.: 10/057,646

Dear Examiner Wang:

Transmitted herewith are:

- Response Transmittal PTO/SB/21 - 1 Page
- Fee Transmittal PTO/SB/17 - 1 Page in duplicate
- Amendment After Final Rejections - 10 Pages
- Information Disclosure Statement - 2 Pages
- PTO-1449 Form - 1 Page
- Fax Cover Sheet - 1 Page
- Reference (1) - 82 Pages


Ann Marie Cannoni
Registered Representative
Registration No. 35,972

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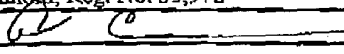
PTO/SB/21 (02-04)

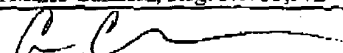
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/057,646	
	Filing Date	01/25/2002	
	First Named Inventor	Harry R. Davis et al.	
	Art Unit	1617	
	Examiner Name	Shengjun Wang	
Total Number of Pages in This Submission	99	Attorney Docket Number	CV01379K

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ Remarks _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet - 1 Page; Reference (1) - 82 Pages
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Ann Marie Cannoni, Reg. No. 35,972	
Signature		
Date	06/29/2004	

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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

Complete if Known

Application Number 10/057,646
 Filing Date 01/25/2002
 First Named Inventor Harry R. Davis et al.
 Examiner Name Shengjun Wang
 Art Unit 1617
 Attorney Docket No. CV01379K

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity - Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	For filing a request for ex parte reexamination	
1804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 850	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	2451 1,510	Petition to Institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 130	2480 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	2808 180	Submission of Information Disclosure Stmt	180.00
8021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00)

SUBMITTED BY

Name (Print/Type)

Ann Marie Cannoni

Registration No.

(Attorney/Agent)

35,972

(Complete if applicable)

Telephone 908-298-5024

Signature

Date

06/29/2004

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PTO/SB/17 (10-03)

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 Examiner Name Shengjun Wang
 Art Unit 1617
 Attorney Docket No. CV01379K

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Deposit Account Name

19-0365

Schering-Plough Corporation

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☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

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1201	66	2201	43	Independent claims in excess of 3
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1204	66	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

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Other fee (specify)

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SUBTOTAL (3) (\$180.00)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of Harry R. Davis et al. : PATENT APPLICATION
Serial No.: 10/057,646 : Group Art Unit: 1617
Filed: January 25, 2002 : Examiner: Shengjun Wang
For: Combinations of Nicotinic Acid and Derivatives Thereof and Sterol Absorption Inhibitor(s) and Treatments for Vascular Indications : Atty. Docket No.: CV01379K

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL REJECTION**Introductory Comments**

This Amendment After Final Rejection is being submitted in response to the final Office Action mailed on April 29, 2004. Applicants respectfully request that these amendments to cancel a claim and present rejected claims in better form for appeal be entered into the file record and considered under 37 C.F.R. § 1.116.

Claims 1-4, 6-10, 28-30 and 32 are pending in the application. Claims 11-27, 36-39, 41, 44-46, 51, 54, 56, 59, 61, 64, 66, 69, 72, 75, 78 and 81 have been withdrawn from consideration by the Examiner as being non-elected. Claims 5, 31 and 33-81 were previously canceled without prejudice to filing one or more divisional applications directed to the subject matter thereof. Claim 6 has been canceled without prejudice to filing one or more divisional applications directed to the subject matter thereof.

Applicants have amended the claims as discussed in detail below.